

## REMARKS

Claims 1-53 have been previously cancelled without prejudice. Claim 55 has been canceled without prejudice. Claims 54 and 56-71 are pending.

The Office Action rejected claims 54 and 56-71 as being obvious over Wakikaido et al. (6,451,014) in view of Panescu et al. (Panescu) (6,245,065).

Applicants agree that Wakikaido fails to anticipate the independent claims of this case. However, the Office Action suggests that Wakikaido only lacks a light connected to a power source in order to meet the limitations of applicants' independent claims. We respectfully disagree.

Wakikaido et al. discloses an electrode device for microwave operation. The device includes a movable support 20. The Office Action identifies reference characters 42, 44 as an actuator. However, the patent describes these components as a pin 42 and a slot 44.

Wakikaido discloses a device that has a tubular grounded electrode 7. Wakikaido does not disclose a rounded distal tip portion as claimed in claim 54. Wakikaido also does not disclose that "at least a portion of the distal section of the elongated shaft defines a uniform radius of curvature" as set forth in dependent claim 64.

The Final Office Action points to the light 217 of Panescu to supply the deficiencies of Wakikaido. However, Panescu discloses a probe 208. There is no teaching in Panescu that the probe 208 includes a light. Instead, Panescu teaches a manually operable remote control 213 that includes on-off switches 215. The remote control 213 includes indicator elements 217, not the probe 208 (see Figure 2).

One of ordinary skill in the art, in reviewing Panescu, would not be taught to add a light to the ablation device of Wakikaido as suggested in the Office Action. The devices are quite different. Wakikaido discloses a movable support 20. In contrast, Panescu discloses a shaft 210 with a rigid hypo-tube. Given the inherent differences in these devices, adding a light to Wakikaido would not be a predictable endeavor as required for an obviousness rejection. Nothing in the Office Action indicates why it

would be predictable. Thus, the Office Action fails to make out a *prima facie* case of obviousness. Instead, the differences in these devices would tend to suggest that the modification suggested in the Office Action would not be undertaken.

A supplemental information disclosure statement accompanies this amendment. Please charge the fee of \$180 for such SIDS to Deposit Account No. 13-2546.

A request for a three month extension of time under 37 C.F.R. 1.136(a) has been filed with this amendment. Please charge to Deposit Account No. 13-2546 the fee of \$1050.00 which is required for the three-month extension of time.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2546.

If the Examiner comes to believe that a telephone conversation may be useful in addressing any remaining open issues in this case, the Examiner is urged to contact the undersigned agent at 763-505-8426.

Respectfully submitted,

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By



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